

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRITTANY MARTELL,

Defendant.

CR-17-61-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 9, 2020. (Doc. 90.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 3, 2020. (Doc. 89.) The United States accused Martell of violating her conditions of supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse testing; 3) by failing to report for substance abuse treatment; 4) by possessing a controlled substance; and 5) by committing another crime. (Doc. 72.)

At the revocation hearing, Martell admitted that she had violated the conditions of his supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse testing; and 3) by failing to report for substance abuse treatment. Martell denied alleged violations 4 and 5. The government proved that Martell possessed a controlled substance. The government failed to satisfy its burden of proof with respect to alleged violation 5. (Doc. 89.) Judge Johnston found that the violations Martell admitted proved to be serious and warranted revocation, and recommended that Martell receive a custodial sentence of time served with 12 months supervised release to follow. Martell was advised of the 14 day objection period and her right to allocute before the undersigned. (Doc. 89.)

The violations prove serious and warrant revocation of Martell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 90) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Brittany Martell be sentenced to time served with 12 months of supervised release to follow.

DATED this 19th day of November, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court